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Question of the Falkland Islands (Malvinas)

Note verbale dated 16 October 2007 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Permanent Mission of Argentina to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to enclose herewith the text of a note which was transmitted by the Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland to the Latin America team of the United Kingdom Foreign and Commonwealth Office (see annex).

In this regard, the Government of the Argentine Republic would be grateful if this note and its annex could be circulated as an official document of the General Assembly at its sixty-second session under agenda item 24: Question of the Falkland Islands (Malvinas).

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Annex to the note verbale dated 16 October 2007 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

London, 11 October 2007

The Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Latin America team of the Foreign and Commonwealth Office and wishes to refer to the issuance of illegal licences for activities related to the exploration for and exploitation of hydrocarbons on the continental shelf of the Argentine Republic in the area of the Malvinas Islands, and the involvement in this of BHP Billiton and Falkland Oil and Gas Limited.

The Government of Argentina reaffirms to the Government of the United Kingdom all communications submitted on this matter, including the press release of 18 September 1992 in which Argentina rejected the unilateral British decision to open to tender areas of the Argentine continental shelf for prospecting, as announced at the time by the United Kingdom, and the note of 5 October 2000, which refers to the Offshore Petroleum (Licensing) Regulations 2000 dated 26 August and 29 September 2000.

Furthermore, the claim that is the subject of this protest is one of a series of unilateral British actions that led the Argentine Government, inter alia, to terminate, as of 27 March of this year, the United Kingdom and Argentine Joint Declaration of 27 September 1995 on Cooperation over Offshore Activities in the South West Atlantic, which was concluded under the safeguarding of sovereignty formula and refers to exploration for and exploitation of hydrocarbons in the area subject to the sovereignty dispute.

The Government of Argentina rejects such a claim and formally protests against this latest unilateral British action, which violates the sovereignty of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas, which are an integral part of Argentine national territory.

This latest unilateral action is also clearly contrary to the obligations placed on the United Kingdom, which emanate from the existence of the sovereignty dispute and from the pronouncements made by the United Nations in that respect.

The attitude of the United Kingdom is incompatible with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, which recognize the existence of a sovereignty dispute, referred to as the "question of the Falkland Islands (Malvinas)", and which urge the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find a peaceful solution to the dispute as soon as possible.

In particular, this attitude is incompatible with General Assembly resolution 31/49, which calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the resolutions of the United Nations.

The Government of Argentina reiterates its rights to sovereignty over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas, which are part of its national territory.

The Embassy of the Argentine Republic in the United Kingdom of Great Britain and Northern Ireland takes this opportunity to convey to the Latin America team of the Commonwealth and Foreign Office the assurances of its highest consideration.